

**REGULAR MEETING
6:30 P.M.**

- I. **Call to Order:** The Regular Meeting of the Lowell Planning Commission was called to order by Chairman Hook on December 1, 2003, at 6:36 P.M. at the Lowell Administration Building.
- II. **Roll Call:** On roll call the following Commissioners responded: Darrin Dickson, Mike Hook, Gene Graham, Paul Farris, Keith Williams, Salena Wright-Brown and Mitchel Wright. Also present were Phil Biggers, Mayor, Phil Swope, City Engineer, Asst. Chief Don Harkins and Secretary Kelly Kennedy. A quorum was present.
- III. **Absent:** none
- IV. **Approval of Minutes:**
- Chairman Hook asked for approval of the minutes of the regular meeting of November 17, 2003 and asked for any discussion, corrections or errors. Chairman Hook then asked for a motion.
- Commissioner Graham then moved to accept the minutes as written. Commissioner Farris seconded the motion. Commissioner Dickson had a correction on page 5 paragraph 4; he asked that a word be changed. Commissioner Dickson then asked that the motion be amended to approve of the minutes with the word change. A voice vote was then taken; the corrected minutes were approved with no dissenting votes. The motion was carried.
- V.
- Public Hearing:** none
- VI. **Old Business:** None
- VII. **New Business:**

LSD- Take us for Granite- David Simpson Owner

Terry Carpenter from USI Consulting Engineers presented to the podium along with David Simpson, owner/developer of the project "Take us for Granite". Mr. Carpenter stated that some of the people present are familiar with the project as he has had meetings with Phil Swope, City Engineer, the Mayor and others to try to come up with a good design to go into the Overlay District, to be compatible with the Overlay District to bring new

business to the City of Lowell. He further stated that they have tried to address all the comments from the staff and the utilities and would answer questions. Chairman Hook asked Engineer Swope, if there were things that needed to be addressed. Engineer Swope stated that there were some outstanding issues, if the project was approved during the meeting that one of the items was the rezoning recommendation was not brought to the City Council in time, that they would be hearing it at City Council the next evening, any approval would be contingent upon that. Additionally Swope said that with regard to curb cuts, he has discussed with the developer and engineer that the curb cuts are closer than what is allowed by Overlay District a variance has been applied for and will be heard at the next Planning Commission meeting, he also stated that there were some landscaping and building material variances that were going to be requested at the next meeting. Engineer Swope asked Mr. Simpson to address the building material issue. Mr. Simpson stated that with regard to building materials that they are keeping the same type as the other buildings that are going up in the Overlay District. He then showed a piece of corrugated metal siding, which he explained would be a 4' skirt of black brick at the bottom with the corrugated metal siding above that, similar to another building on the Westside of Lowell with a white stucco rim around the building as a decorative piece. Commissioner Dickson asked if the metal would look like corrugated metal, not like wood or siding. Mr. Simpson stated that he believed that it would look the same as the other building that he was referring to, as the sample that he brought came from the same supplier. Mr. Simpson stated that the building would tie in with the new Benham building, that it would have the same brick, same siding etc. Commissioner Dickson asked what type of business it would be. Mr. Simpson stated that it was a flooring business, lighting, furniture, antiques etc.

Mr. Carpenter stated that regarding the drive cuts, that one of the stipulations was that driveways be no closer than 250' from an intersection, and that the lot is only 250' deep and 150' wide, that they were constrained, also due to the easement on the property there was a limit to the landscaping, based on one of the utility comments that no trees would be permitted on the easement. Chairman Hook asked if Mr. Carpenter was asking for the variance for the landscaping and the curb cut at a future meeting. Engineer Swope added that the other variance that had been applied for was the building materials due to the Overlay District Ordinance. Chairman Hook verified with Engineer Swope that there would be 3 variances heard at the next meeting. Engineer Swope explained that they had taken care of the other variance by removing the other drive, there was another drive on the Eastside, which would have conflicted with the no drives within 100 feet of each other. Commissioner Dickson stated that he still showed the drive on his plans, and asked if the changes have been made. Mr. Carpenter stated that they had not been made at the time of the meeting because they had not had enough time to make the changes on that sheet.

Commissioner Wright asked if there was just 1 access point on the property. Mr. Simpson answered that there would be one in the front and one in the rear, one access point would be on Monroe, the other on Lincoln.

Commissioner Dickson asked if the only metal would be in the front of the building with the transition into stucco. Mr. Simpson explained that there would be metal all the way through and around the building on all sides.

There was a general discussion among the Commissioners on the topics of the elevations, the remaining variances problems etc. Mr. Carpenter & Mr. Simpson pointed out some items of interest to various Commissioners with regard to the plans that have been submitted.

Commissioner Dickson stated his concern that the plans were drawn without the variances in place, he stated that he wanted to make sure that all the paperwork would be in order before moving on with the project. He further stated that he liked the project and saw no problems with it other than the paperwork being incomplete. Commissioner Dickson requested that they come back and approve the variances and the LSD at the next meeting.

Chairman Hook asked for discussion on Commissioner Dickson's statement. Commissioner Wright-Brown agreed with Commissioner Dickson and noted that there were items on the checklist that had been marked incomplete, that all of the items on the checklist be completed.

Commissioner Wright stated that he would like to look at the building that the proposed project is modeled after and asked if the address would be furnished.

Commissioner Dickson made a motion to table the project until the next regularly scheduled meeting when the variances would be presented. Commissioner Graham seconded the motion. Chairman Hook then took a voice vote which passed unanimously.

The project was tabled until the next Planning Commission meeting.

VIII. Presentations & Discussions:

Chairman Hook opened the presentations & discussions and explained that the time for Public Hearing is only when something has been published as a Public Hearing, at the end of the meeting there is time for presentations and discussions. He then asked Mr. Neil if he would like to address the Commission. Chairman Hook requested that Mr. Neil approach the podium for his discussion.

Mr. Bill Neil then presented to the podium and introduced himself. He asked why there was an item D (Public Hearing) on the Agenda, but did not acknowledge the Public Hearing aspect. Chairman Hook stated that there was no Public Hearing for the evening. Mr. Neil further stated that during City Council the public is afforded the opportunity to present to the podium and discuss whatever they like and he was curious as to why the Planning Commission did not. Chairman Hook explained that the Commission is affording Mr. Neil the opportunity to present his topic during the presentation and discussion portion of the meeting. Chairman Hook noted that Mr. Neil had 5 minutes to present his topic.

Mr. Neil addressed the commission stating his name and his address; he stated that he wanted to state his opinion regarding an upcoming agenda item. He stated that the citizens of Lowell requested that he appear before the commission to verify some particulars of an upcoming agenda item. Mr. Neil stated that on the 26th of November, there was a notice of Public Hearing on the 9 acres on Lincoln Street regarding a Rezoning of Agricultural 1 to Industrial 1, by Rolloff, a company in Springdale, for the recycling facility. Mr. Neil stated that a recycling facility can not be placed into an Industrial 1 zone, it has to be Industrial 1 Conditional Use, and so what they are applying for will just be Industrial 1 on December 15, 2003. Mr. Neil then stated that he wanted to be sure that even though they are coming in with Industrial 1 zoning, that they (Rolloff) would not be able to come in and build anything without the Conditional Use. Mr. Neil wanted the facts to be verified. Chairman Hook requested Engineer Swope's comments on the subject and stated that if there is a Conditional Use after the rezone that they would have to come back for another Public Hearing. Commissioner Dickson then said that he wanted to alleviate some of Mr. Neil's concern, during the Conditional Use process, the city can build in conditions on that for example they might have to renew every year or every two years, or that they would have periodic inspections and that there are many safeguards that the city has that can be built into the language of the permit to make sure that the company is doing something that they were not permitted to or that they are following the rules as set out before them.

Mr. Neil stated that his point was that he wanted clarification that the Rolloff services had to come in first for the rezone then for a Conditional Use Hearing at another meeting at another time. Chairman Hook verified that it is exactly how the code reads. Commissioner Dickson then clarified to Mr. Neil that if passed it would still be Industrial 1, and that it is not a different zone, which the establishment of the permit would have to be after the rezoning has taken effect. Chairman Hook also stated that after the rezoning at the Planning Commission, it would still have to be taken to the City Council for approval. Mr. Neil understood and thanked the Commissioners for their time.

Chairman Hook asked if there was anything further from Engineer Swope. Mr. Swope stated that he did not have any other discussions or presentations.

Commissioner Graham stated that there were 3 items on the bylaws of the Commission. Chairman Hook stated that it would be added to the next work session, that some of the items have been on hold for six months or so, he stated one of the items for discussion is the time of the meeting. The bylaws state that the meeting time is to be at 7:00pm and that the body has been meeting at 6:30pm. Commissioner Graham stated that he had no issue with meeting earlier, but that it should be changed in the bylaws for it to be official. He further stated that the other item of note is of absences of Commissioners to meetings and the penalties of missing the meetings. Chairman Hook stated that it will be taken care of at the next work session and thanked Commissioner Graham for bringing the topic to their attention.

IX. Commissioner Dickson moved to adjourn the meeting with a second by Commissioner Williams. On voice vote it was unanimous. The motion carried. The meeting was adjourned at 6:59 pm.

X. Chairman Hook read the announcements of the Holiday upcoming events so that all may participate in the Lighting of the Christmas Tree on December 4, 2003 and the Decorating contest.

APPROVED:

Mike Hook, Chairman

ATTEST:

Kelly Kennedy, Secretary